

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LOCAL GOVERNMENT

**Call to Order:** Chair Edward Greef, on February 21, 2017 at 3:26 PM, in Room 172  
Capitol

#### ROLL CALL

##### **Members Present:**

Rep. Edward Greef, Chair (R)  
Rep. Forrest Mandeville, Vice Chair (R)  
Rep. Kathy Swanson, Vice Chair (D)  
Rep. Kim Abbott (D)  
Rep. Laurie Bishop (D)  
Rep. Amanda Curtis (D)  
Rep. Mary Ann Dunwell (D)  
Rep. Dave Fern (D)  
Rep. Ross H. Fitzgerald (R)  
Rep. Frank Garner (R)  
Rep. Bruce Grubbs (R)  
Rep. Steve Gunderson (R)  
Rep. Denise Hayman (D)  
Rep. Adam Hertz (R)  
Rep. Jessica Karjala (D)  
Rep. Kathy Kelker (D)  
Rep. Steve Lavin (R)  
Rep. Derek Skees (R)  
Rep. Jeremy Trebas (R)  
Rep. Barry Usher (R)  
Rep. Susan Webber (D)

##### **Members Excused:**

Rep. Geraldine Custer (R)  
Rep. Daniel Zolnikov (R)

**Members Absent:** None

**Staff Present:** Ginger Aldrich, Legislative Branch  
Margot Miltenberger, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 407, 2/14/2017; HB 455, 2/14/2017; HB 456, 2/14/2017; HB 457, 2/14/2017; HB 507, 2/17/2017; HB 492, 2/17/2017; HB 510, 2/19/2017  
Executive Action on: HB 319; HB 407; HB 416; HB 455; HB 456; HB 457; HB 492; HB 507; HB 510

**HEARING ON HB 492**

**Opening Statement by Sponsor:**

00:02:19 Rep. Denise Hayman (D), HD 66, opened the hearing on HB 492, Revise fire service area consolidation.

**Proponents:**

00:03:53 Robert Drake, Tri-Lakes Fire Service Area  
00:04:41 Leonard Lundby, Montana Fire Alliance  
00:05:39 Nathan Curtis, Sun Prairie Volunteer Fire Department  
00:05:57 Richard Grady, Self

**EXHIBIT(lah38a01)**

00:06:43 Bonnie Jones, Montana Fire Trustees Association

**Opponents:** None

**Informational Witnesses:** None

**Questions from Committee Members and Responses:**

00:07:19 Rep. Grubbs  
00:08:20 Rep. Hayman

**Closing by Sponsor:**

00:09:06 Rep. Hayman  
  
00:09:30 Vice Chair Swanson assumed the chair

**HEARING ON HB 507**

**Opening Statement by Sponsor:**

00:09:58 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 507, Generally revise laws relating to review of sanitation in subdivisions.

**Proponents:**

00:14:47 Jeff Larsen, Self  
00:17:45 Scott Aspenlieder, Self  
00:25:11 Rep. Custer joined the meeting  
00:28:04 Rick Breckenridge, Self  
00:30:00 Abigail St. Lawrence, Montana Building Industry Association (MBIA)  
00:31:03 Jay Skoog, The American Council of Engineering Companies (ACEC)  
00:32:24 Tim Davis, Department of Environmental Quality (DEQ)  
00:34:40 Ryan Salisbury, WGM Group Inc.

**Opponents:**

00:36:07 Tim Read, Self

**Informational Witnesses:** None

**Questions from Committee Members and Responses:**

00:41:08 Rep. Kelker  
00:42:14 Rep. Mandeville  
00:45:05 Rep. Usher  
00:47:42 Rep. Mandeville  
00:47:59 Rep. Fern  
00:48:46 Tim Davis, DEQ  
00:51:02 Rep. Gunderson  
00:53:00 Tim Davis, DEQ  
00:53:37 Rep. Skees  
00:53:54 Rep. Mandeville  
00:54:25 Rep. Dunwell  
00:54:56 Tim Davis, DEQ  
00:55:33 Rep. Dunwell  
00:56:05 Tim Read, Self  
00:57:03 Rep. Dunwell  
00:57:12 Tim Davis, DEQ

**Closing by Sponsor:**

00:58:37 Rep. Mandeville

**HEARING ON HB 407**

**Opening Statement by Sponsor:**

01:00:58 Rep. Adam Hertz (R), HD 96, opened the hearing on HB 407, Revise sanitation in subdivisions rule requirements.

**Proponents:**

01:03:53 Jeff Larsen, Self

[EXHIBIT\(lch38a02\)](#)

01:08:19 Rick Breckenridge, Self

01:10:14 Abigail St. Lawrence, Montana Building Industry Association (MBIA)

**Opponents:**

01:10:57 Tim Read, Self

**Informational Witnesses:**

01:12:58 Tim Davis, Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

01:13:23 Rep. Hayman  
01:15:08 Tim Davis, DEQ  
01:15:25 Rep. Garner  
01:16:08 Tim Davis, DEQ  
01:16:19 Rep. Trebas  
01:17:45 Rep. A. Hertz

**Closing by Sponsor:**

01:18:04 Rep. A. Hertz

**HEARING ON HB 455**

**Opening Statement by Sponsor:**

01:20:08 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 455, Review nondegradation rules for subdivisions.

**Proponents:**

01:20:58 Jeff Larsen, Self  
01:24:36 Rick Breckenridge, Self

**Opponents:**

01:27:10 John Rundquist, Self  
01:31:36 Tim Read, Self  
01:32:42 Anne Hedges, Montana Environmental Information Center (MEIC)

**Informational Witnesses:**

01:34:58 Tim Davis, Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

01:35:18 Rep. Kelker  
01:36:10 Tim Davis, DEQ  
01:36:21 Rep. Garner  
01:38:00 Rep. Mandeville  
01:38:42 Rep. Fern  
01:39:12 Tim Davis, DEQ  
01:39:29 Rep. Hayman  
01:40:32 Tim Davis, DEQ

**Closing by Sponsor:**

01:41:03 Rep. Mandeville  
  
01:41:43 Chair Greef resumed the chair

**HEARING ON HB 456**

**Opening Statement by Sponsor:**

01:42:22 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 456, Clarify time lines for subdivision review.

**Proponents:**

01:43:39 Jeff Larsen, Self  
01:47:01 Rick Breckenridge, Self  
01:47:16 Abigail St. Lawrence, Montana Building Industry Association (MBIA)

**Opponents:** None

**Informational Witnesses:**

01:47:55 Tim Davis, Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

01:48:18 Rep. Usher  
01:48:36 Rep. Mandeville  
01:48:59 Rep. Dunwell  
01:49:50 Tim Davis, DEQ

**Closing by Sponsor:**

01:50:26 Rep. Mandeville

**HEARING ON HB 457**

**Opening Statement by Sponsor:**

01:52:22 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 457, Exempting certain lot redesigns from Montana Subdivision and Platting Act.

**Proponents:**

01:55:15 Abigail St. Lawrence, Montana Building Industry Association (MBIA)  
01:55:57 Ryan Salisbury, WGM Group Inc.  
01:57:40 Mark Simonich, Montana Association of Realtors (MAR)  
01:58:04 Rick Breckenridge, Self  
01:59:10 Jeff Larsen, Self

**Opponents:**

02:00:34 Kelly Lynch, Montana League of Cities and Towns (MLCT)  
02:03:13 Tim Read, Self  
02:04:41 Tara DePuy, Montana Association of Counties (MACo)

**EXHIBIT(loh38a03)**

02:09:53 Jeff Barber, Montana Association of Planners (MAP), Montana Smartgrowth Coalition  
02:11:04 Anne Hedges, Montana Environmental Information Center (MEIC)  
02:12:03 Jennifer Olson, Montana Department of Commerce (COM)

**Informational Witnesses:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

02:13:34 Rep. Mandeville  
  
02:16:45 Recessed  
02:39:11 Reconvened

**HEARING ON HB 510**

**Opening Statement by Sponsor:**

02:39:30 Rep. Adam Hertz (R), HD 96, opened the hearing on HB 510, Revise exemptions from sanitation in subdivisions review.

**EXHIBIT(loh38a04)**

**Proponents:**

02:42:40 Jeff Larsen, Self  
 02:45:32 Abigail St. Lawrence, Montana Building Industry Association (MBIA)  
 02:46:20 Rick Breckenridge, Self  
 02:47:53 Kelly Lynch, Montana League of Cities and Towns (MLCT)  
 02:48:26 Mark Simonich, Montana Association of Realtors (MAR)  
 02:48:52 Ryan Salisbury, WGM Group Inc., Missoula Building Industry Association (MBIA)

**Opponents:** None

**Informational Witnesses:**

02:51:15 Tim Davis, Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

02:51:38 Rep. Hayman  
 02:52:14 Kelly Lynch, MLCT

**Closing by Sponsor:**

02:53:03 Rep. A. Hertz  
  
 03:00:36 Recessed  
 03:23:41 Reconvened

**EXECUTIVE ACTION ON HB 319**

03:24:06 Ginger Aldrich, Legislative Services Division (LSD)  
 03:24:46 **Motion:** Rep. Usher moved to **POSTPONE CONSIDERATION ON HB 319.**

**Discussion:**

03:25:15 Rep. Curtis  
  
 03:25:30 **Vote:** Motion failed 10-12 by roll call vote with Rep. Custer, Rep. Fitzgerald, Rep. Garner, Rep. Grubbs, Rep. Gunderson, Rep. A. Hertz, Rep. Mandeville, Rep. Skees, Rep. Trebas and Rep. Usher voting aye.  
  
 03:28:13 **Substitute Motion/Vote:** Rep. Mandeville moved that **HB 319 BE TABLED.** Motion carried unanimously by voice vote. Rep. Zolnikov voted by proxy.

**EXECUTIVE ACTION ON HB 507**

03:29:19 **Motion:** Rep. Mandeville moved that **HB 507 DO PASS.**

**Discussion:**

03:29:41 Ginger Aldrich, LSD  
 03:30:09 Rep. Swanson  
  
 03:30:32 **Vote:** Motion carried unanimously by voice vote. Rep. Zolnikov voted by proxy.

**EXECUTIVE ACTION ON HB 407**

03:31:12     **Motion:** Rep. Mandeville moved that **HB 407 DO PASS.**

**Discussion:**

03:31:28     Ginger Aldrich, LSD

03:31:45     **Vote:** Motion carried 22-1 by voice vote with Rep. Dunwell voting no. Rep. Zolnikov voted by proxy.

**EXECUTIVE ACTION ON HB 416**

03:32:19     **Motion:** Rep. Mandeville moved that **HB 416 DO PASS.**

**Discussion:**

03:32:31     Ginger Aldrich, LSD

03:32:49     **Motion:** Rep. Mandeville moved that **HB 416 BE AMENDED.**  
**EXHIBIT**(loh38a05)

**Discussion:**

03:33:13     Rep. Mandeville

03:33:53     **Vote:** Motion carried unanimously by voice vote. Rep. Zolnikov voted by proxy.

03:34:24     **Motion/Vote:** Rep. Mandeville moved that **HB 416 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote. Rep. Zolnikov voted by proxy.

**EXECUTIVE ACTION ON HB 455**

03:35:29     **Motion:** Rep. Mandeville moved that **HB 455 DO PASS.**

**Discussion:**

03:35:43     Rep. Curtis

03:36:05     Rep. A. Hertz

03:36:42     Rep. Usher

03:36:57     **Vote:** Motion carried 13-10 by roll call vote with Rep. Abbott, Rep. Bishop, Rep. Curtis, Rep. Dunwell, Rep. Fern, Rep. Hayman, Rep. Karjala, Rep. Kelker, Rep. Swanson and Rep. Webber voting no. Rep. Zolnikov voted by proxy.

**EXECUTIVE ACTION ON HB 456**

03:38:34     **Motion:** Rep. Mandeville moved that **HB 456 DO PASS.**

**Discussion:**

03:38:40     Ginger Aldrich, LSD

03:38:56 **Vote:** Motion carried 20-3 by voice vote with Rep. Hayman, Rep. Karjala and Rep. Kelker voting no. Rep. Zolnikov voted by proxy.

**EXECUTIVE ACTION ON HB 457**

03:39:42 **Motion:** Rep. Mandeville moved that **HB 457 DO PASS.**

**Discussion:**

03:39:50 Ginger  
03:40:16 Rep. Hayman  
03:40:52 Rep. Fern  
03:41:39 Rep. Custer  
03:42:10 Rep. Mandeville

03:43:05 **Vote:** Motion failed 10-13 by roll call vote with Rep. Fitzgerald, Rep. Garner, Rep. Grubbs, Rep. Gunderson, Rep. A. Hertz, Rep. Lavin, Rep. Mandeville, Rep. Skees, Rep. Trebas and Rep. Zolnikov voting aye. Rep. Zolnikov voted by proxy.

03:44:41 **Motion/Vote:** Rep. Garner moved that **HB 457 BE TABLED AND THE VOTE REVERSED.** Motion was without objection.

**EXECUTIVE ACTION ON HB 492**

03:45:08 **Motion/Vote:** Rep. Mandeville moved that **HB 492 DO PASS.** Motion carried 21-2 by voice vote with Rep. Skees and Rep. Zolnikov voting no. Rep. Zolnikov voted by proxy.

**EXECUTIVE ACTION ON HB 510**

03:46:18 **Motion/Vote:** Rep. Mandeville moved that **HB 510 DO PASS.** Motion carried unanimously by voice vote. Rep. Zolnikov voted by proxy.



**ADJOURNMENT**

Adjournment: 03:48:03

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Margot Miltenberger, Secretary

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Additional Documents:

**EXHIBIT([loh38aad.pdf](#))**